

CHAPTER NO. 528

SENATE BILL NO. 2030

By Kurita

Substituted for: House Bill No. 3121

By Armstrong, John DeBerry, Sherry Jones, Patton, Johnson, Ferguson, Pruitt

AN ACT To amend Tennessee Code Annotated, Title 68, Chapter 117, relative to tanning facilities.

WHEREAS, The National Cancer Institute has declared that skin cancer is the most commonly occurring cancer in the U.S. and that one million persons will be diagnosed with skin cancer each year in this country; and

WHEREAS, The NCI has stated that ultraviolet radiation from the sun, as well as artificial sources such as tanning beds, is the main cause of skin cancer and the most important environmental factor in the development of skin cancer; and

WHEREAS, Studies have suggested that avoiding sunburns, especially in childhood and adolescence, may reduce the incidence of melanoma skin cancer and reducing exposure to ultraviolet radiation decreases the incidence of non-melanoma skin cancer; and

WHEREAS, The American Cancer Society estimated 1,400 new cases of melanoma were diagnosed in Tennessee in 2001; and

WHEREAS, The U.S. Food and Drug Administration, which regulates tanning beds and other national organizations as well, recommends that persons avoid artificial tanning methods, including sunlamps and tanning beds; and

WHEREAS, Individuals who use tanning beds should be made aware of the potential dangers; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-117-104(a)(2), is amended by deleting the existing language in its entirety and by replacing it with the following:

(2) Provide each customer with protective eyewear which meets the requirements of 21 Code of Federal Regulations, Part 1040, Section 1040.20(c)(4).

SECTION 2. Tennessee Code Annotated, Section 68-117-104(b)(1), is amended by adding the language and punctuation ", as set forth in this part," after the word "statement".

SECTION 3. Tennessee Code Annotated, Section 68-117-104(b)(3), is amended by deleting the existing language in its entirety and by substituting instead the following language:

(3) A person between the ages of fourteen (14) and eighteen (18) shall either be accompanied by his/her parent or legal guardian who shall present his/her own photo

identification and who shall sign the warnings statement provided for in this part or shall provide the tanning facility with a notarized statement signed by his/her parent or legal guardian giving consent for use of a tanning device and stating the relationship with the person who is under age eighteen (18), as well as a warning statement as provided for in this part signed by the parent or legal guardian.

SECTION 4. Tennessee Code Annotated, Section 68-117-104(b)(4), is amended by deleting the existing language in its entirety and by substituting instead the following language:

(b)(4) A person under the age of fourteen (14) years shall be accompanied by his/her parent or legal guardian when using a tanning device. The accompanying parent or legal guardian shall provide photo identification and shall sign the warnings statement provided for in this part, as well as sign a statement stating the relationship with the child who is under age fourteen (14).

SECTION 5. Tennessee Code Annotated, Section 68-117-104(b), is further amended by adding the following new subdivision as subdivision "5".

(5) The operator of the tanning facility shall maintain the signed statements and the notarized statements provided for in subparagraph (b)(3) for a period of not less than two (2) years and shall make them available for inspection upon request.

SECTION 6. Tennessee Code Annotated, Title 68, Chapter 117, is amended by adding the following as a new section:

68-117-106. The statement which must be given to each tanning facility customer and must be signed by the customer shall contain at a minimum the following:

(1) Failure to use the required eye protection provided to the customer may result in damage to the eyes.

(2) Overexposure to ultraviolet light may cause severe sunburn reactions.

(3) Repeated exposure to ultraviolet light may result in skin cancer and premature aging of the skin.

(4) Abnormal skin sensitivity or severe burning may be caused by reactions when tanning devices are used in conjunction with certain foods, cosmetics, and medications such as tranquilizers, diuretics (fluid pills), antibiotics, high blood pressure medicines, and birth control pills.

(5) An individual taking prescription medication or over-the-counter drugs should consult a physician before using a tanning device.

(6) An individual with skin that tends to burn easily, freckles, or never tans should avoid use of a tanning device before consulting a physician.

(7) An individual with a family or personal past medical history of skin cancer should avoid use of a tanning device.

(8) An individual should allow a minimum of twenty-four (24) hours between uses of a tanning device.

(9) Pregnant women or women using oral contraceptives may develop discolored skin due to the use of tanning devices.

SECTION 7. Tennessee Code Annotated, Section 68-117-105, is amended by adding the following sentence at the end of the section:

Violations of this part may subject an owner and/or operator of a tanning facility to civil claims, prosecution, or both.

SECTION 8. Tennessee Code Annotated, Title 68, Chapter 117, is further amended by adding the following as a new section:

68-117-107. (a) Each tanning facility shall prominently post, in a location always plainly visible to the public, a sign no smaller than twenty-four (24) inches by thirty-six (36) inches which shall be readily legible to the average person to ensure that it is likely to be read by a customer wishing to use a tanning bed.

(b) Each sign shall contain the following language:

WARNING: ULTRAVIOLET RADIATION

Improper or repeated exposure to ultraviolet radiation may cause damage to skin including premature aging and skin cancer.

Failure to use protective eyewear may result in severe burns or permanent injury to the eyes.

Medications or cosmetics may increase sensitivity to ultraviolet radiation.

Consult a physician if you are using medications.

Pregnancy or use of estrogen containing medications such as premarin or oral contraceptives may result in skin discoloration when exposed to ultraviolet radiation.

An individual with a personal or family history of melanoma should avoid exposure to ultraviolet radiation.

An individual with skin that tends to burn easily, freckles, or never tans should avoid exposure to tanning devices.

An individual with a personal history of skin cancer or abnormal moles should avoid exposure to tanning devices.

Improper use of a tanning device contrary to the recommendations of the manufacturer may be harmful to the user and shall not be allowed.

IF YOU DO NOT TAN IN THE SUN, YOU ARE UNLIKELY TO TAN FROM USE OF THIS DEVICE.

SECTION 9. This act shall take effect 180 days after becoming law, the public welfare requiring it.

**PASSED: March 18, 2002**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 25<sup>th</sup> day of March 2002**

  
DON SUNDQUIST, GOVERNOR